



STATE OF OREGON
Lincoln County District Attorney

225 West Olive Street, Room 100, Newport, Oregon 97365
541-265-4145, FAX 541-265-3461, www.co.lincoln.or.us/da/

Rob Bovett
District Attorney

Marcia Buckley
Chief Deputy

ENTERED

May 14, 2012

95-2838 BOBBY JACK FOWLER

This subject has been identified by DNA as the suspect in a homicide that occurred in Canada in the mid 1970's. The Royal Canadian Mounted Police will be here Wednesday to collect background information regarding his whereabouts and associations as that may pertain to other unsolved cases they are investigating.

At the time of this incident in June 1995, Fowler was working for a construction company out of Lincoln City. What we don't know yet is how long he was in Newport. If he was here in January 1995, he could be a suspect in the murders of Jennifer Esson and Kara Leas in Newport.

In the court file for this case there is a Presentence Investigation report that I am asking to be unsealed and copied for my investigation. The PSI will contain information useful to me and the RCMP.

Fowler's Oregon DMV record shows that he's deceased.

Ronald D. Benson
Investigator

Charles P Littlehales, Circuit Judge
17th Judicial District, Lincoln County
PO Box 100, NEWPORT OR 97365
phone: (541) 265-4236 fax: 265-7561, OSB#69106
COURT

FILED

RECEIVED

MAY 17 2012

AT _____
BY _____
O'CLOCK
M
7 AM



Charles P. Littlehales
Circuit Court Judge
17th Judicial District
Lincoln County
P.O. Box 100
NEWPORT OR 97365

PHONE: 541-265-4236 ext. 224
Fax: 541-265-7561

May 9, 2003

Bobby J. Fowler SID #3195138
777 Stanton Blvd
ONTARIO OR 97914

Re: State of Oregon vs. Bobby Jack Fowler #952838

There is no basis in law or fact for this court to entertain a Motion to Set Aside a Conviction. One, I don't have the authority to do it and secondly, you were convicted a vicious act, not the first one in your history, and you are serving the appropriate time. In fact, based on the PSI I reviewed, your behavior and attitude toward the victim are such, you should never be released to prey on society again. If I could have sentenced you to more time, I would have done so. Your Motion is denied.



Charles P. Littlehales/OSB #69106
17th Judicial District/Lincoln County OR

pc: Lincoln County District Attorney

4-28-03
9528381STATE OF OREGON
LINCOLN COUNTY COURT
RECD

Dear Sir

I was convicted in your court on several charges one of which was kidnapping I, I just received information from the Governor's Office of this law ORS 137.225 judicial set aside of conviction.

I AM STILL A LAYMAN TO ALL THE LEGAL LAWS OF OREGON BUT I CAN'T DO MUCH WORSE TO MY CASE THAN SOME OF THE LAWYERS I HAVE HAD.

I NOW HAVE PROSTATE CANCER AND DON'T WANT TO DIE IN THIS PLACE, SO I ASK YOU TO SET ASIDE THE KIDNAPPING CHARGE, LET ME PLEA GUILTY ON THE OTHER 5 CHARGES, SEXUAL ABUSE, ATTEMPTED RAPE OF WHICH I RECEIVED 7.5 MONTHS ON COERCION AND MENACING, WHICH I RECEIVED 24 MONTHS RUN CONCURRENT WITH THE SEX CHARGES ASSAULT 4 WHICH I RECEIVED 6 MONTHS JAIL TIME AND WAS GRANTED TIME SERVED. THE KIDNAPPING CHARGE I RECEIVED 120 MONTHS, THIS CHARGE IS WHY I WOULD NOT PLEA TO 90 MONTHS WHICH PETER FRAY OFFERED ME, I STILL SAY I DID NOT KIDNAP MS [REDACTED]

I HAVE APPEALED TO EVERY COURT UP TO THE 9TH DISTRICT COURT OF APPEALS WHERE MY CASE NO 02-35916 IS AT NOW.

WHILE WAITING FOR A RESPONSE FROM THE CALIFORNIA 9TH DISTRICT, I APPLIED TO THE GOVERNOR FOR A CLEMENCY AND HE SENT ME THIS INFORMATION ON THE SET ASIDE LAW.

I FEEL I HAVE DONE MORE THAN ENOUGH TIME FOR THE CRIMES I WAS CONVICTED OF.

This is why I appeal to you to set aside
The Kidnap Charge on me.

Let me out of here so I can go to Louisiana.
I have a home there paid for 13 acres of good
bottom land with a family cemetery on the property.

The VA Hospital is only 30 miles away where
all my medical needs are free of charge. Being a
service connected disable veteran all my medical
needs are paid for by the VA.

Your consideration in this matter will be
greatly appreciated.

Thank you

Sincerely

Bobby Fowler

Bobby J. Fowler 3195138

777 STANTON BLVD.

ONTARIO OR. 97914

952838

7-9-01

STATE OF OREGON
LINCOLN COUNTY COURT
FILED

7-23-01
NO ACTION

Dear Sirs,

I need a copy of my Sentencing Sheet on The Sex abuse and attempted Rape charges ~~entered~~ ^{2001 JUL 12 PM 1:15} my case.

I went to court in Charles Littlehales court January 8, 1996. The Sex abuse and attempted Rape charges were combined as one charge. For Sentencing of 75 Months. The Judge also said I would get my jail time off of the sentence 5. My time should have started June 29, 1995 when I went to jail on the charges. I also have the Kidnapping charge 120 Months. That is correct on my Fact Sheet here at S.R.C.F. But the Sex abuse charge has my Discharge date as 9-29-01.

When Senate Bill 1049 was passed that took 6 months off the sex abuse charge so that charge should now be 69 months.

Since the two charges were counted as one for sentencing what comes off one should also come off the other.

Please check the records and send me a copy of them. Thank You.

Sincerely,
Bobby Fowler

Bobby Fowler 3195138

777 STANTON BLVD.

ONTARIO OR 97914

952838

5-84-99
STATE OF OREGON NO Action
LINCOLN COUNTY COURT
FILE 5-15-99

Dear Charles P. Littlehales.

My Esteem Sir, I hope you remember my case for the last time I saw you in your COAT ROOM AT the time of my sentencing. By your actions and advice at the time, I was certain that you knew I got a raw deal from the jury and measure of time allotments.

I now appeal to you as one man to another not judge to convict.

My case was just denied on post conviction because I failed to prove basis for post conviction, I have appealed that decision to the Appeal Court.

WHAT I need help on is to prove there was no kidnapping. "OK" I know I did wrong and DRUNK I didn't have any respect to the laws. I was mad at all dope addicts and took it out on

[REDACTED] because she ask me for money to buy drugs BUT I didn't kidnap the lady every thing else I was guilty of except the rape, all the other charges I was guilty.

Is there any way you can help me on this appeal of the kidnapping charge?

Any help will be greatly appreciated.

THANK YOU
Bobby Jack Fowler 3195138
777 STANTON BLVD. S.R.C.F.
ONTARIO OR 97914

CRIMINAL HISTORY WORKSHEET

(Attach to Felony Guidelines Sentencing Report)

Court Case # 952838	Offender's Last Name FOWLER, BOBBY JACK	First MI
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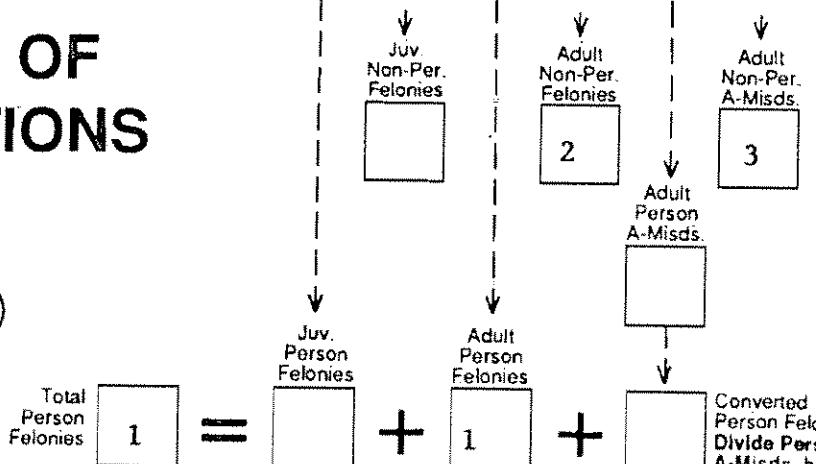
CONVICTION TYPE

Offense Title	Court and Case #	Date of Conviction	JUVENILE		ADULT			
			Felony Person	NonPer	Felony Person	NonPer	Class-A Person	NonPer
1 THEFT I	Lane Co. Circuit	01-26-82			X			
2 AGGRAV ASSAULT-DANG WEAP	Wash Co. Circuit	11-30-71			X			
3 DUII	Chatham Co. Ga.	1987					X	
4 DUII	Chatham Co. Ga.	1989					X	
5 ARSON II	Keosauqua Iowa				X			
6 DUII	Galveston, Texas	05-18-94					X	
7								
8								
9								
10								
11								
12								
13								
14								
15								

USE AN ASTERISK (*) TO IDENTIFY CONVICTIONS RELIED UPON IN THE CURRENT PROCEEDING

TOTAL NUMBER OF PRIOR CONVICTIONS BY TYPE:

(Include only those relied upon in the current proceeding)



CRIMINAL HISTORY WORKSHEET

(Attach to Felony Guidelines Sentencing Report)

Court Case #	Offender's Last Name First MI
952838	FOWLER, BOBBY JACK

CONVICTION TYPE

Offense Title	Court and Case #	Date of Conviction	JUVENILE		ADULT	
			Felony Person	NonPer	Felony Person	Class-A NonPer
1 THEFT I	Lane Co. Circuit	01-26-82			X	
2 AGGRAV ASSAULT-DANG WEAP	Wash Co. Circuit	11-30-71			X	
3 DUII	Graham Co. Ga.	1987				X
4 DUII	Graham Co. Ga.	1989				X
5 ARSON II	Keosauqua Iowa				X	
6 DUII	Galveston, Texas	05-18-94				X
7						
8						
9						
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11						
12						
13						
14						
15						

USE AN ASTERISK (*) TO IDENTIFY CONVICTIONS RELIED UPON IN THE CURRENT PROCEEDING

TOTAL NUMBER OF PRIOR CONVICTIONS BY TYPE:

(Include only those relied upon in the current proceeding)

$$\begin{array}{c}
 \text{Total} \\
 \text{Person} \\
 \text{Felonies} \\
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 = \quad \boxed{} \quad + \quad \boxed{1} \quad + \quad \boxed{}
 \end{array}
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 \text{Juv.} \\
 \text{Non-Person} \\
 \text{Felonies} \\
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 \text{Adult} \\
 \text{Non-Person} \\
 \text{Felonies} \\
 \boxed{2}
 \end{array}
 \qquad
 \begin{array}{c}
 \downarrow \\
 \text{Adult} \\
 \text{Non-Person} \\
 \text{A-Misd.} \\
 \boxed{3}
 \end{array}
 \qquad
 \begin{array}{c}
 \downarrow \\
 \text{Adult} \\
 \text{Person} \\
 \text{A-Misd.} \\
 \boxed{}
 \end{array}
 \qquad
 \begin{array}{c}
 \downarrow \\
 \text{Converted} \\
 \text{Person} \\
 \text{Felonies} \\
 \text{Divide Person} \\
 \text{A-Misd. by 2}
 \end{array}$$

Honorable Judge Littlehales

12-31-95

STATE OF OREGON
LINCOLN COUNTY COURTS
FILED

96 JAN -2 AM 11:00

Dear Sir,

On The Sentencing ^{ENTERED} of me in my case I AM ASKING THE COURT TO CONSIDER PLACING ME IN A MENTAL ALCOHOL HOSPITAL PROGRAM SO THAT I MAY GET THE PROFESSIONAL HELP THAT I NEED FOR MY DRINKING.

You can see in my record that Drinking HAS BEEN THE CAUSE OF ALL OF MY TROUBLE. When I AM DRINKING I USE POOR JUDGEMENT AND DO STUPID THINGS. I REQUEST TO GO TO A MENTAL HOSPITAL THAT CAN GIVE ME THE HELP TO QUIT DRINKING AND LIVE A PRODUCTIVE LIFE.

I AM A VERY GOOD CARPENTER AND ROOFER when I AM SOBER BUT I CANT SEEM TO LEAVE THE BOOZE ALONE WHEN I AM OUT OF HERE.

I KNOW THAT I NEED PROFESSIONAL HELP. I AM A DISABLE VETERAN AND CAN GO TO THE U.A. HOSPITAL WITH THE COURTS PERMISSION AND GET THE HELP AND GUIDANCE THAT I NEED TO STRAIGHTEN MY LIFE OUT.

THE CRIMES I WAS CONVICTED OF IN THIS CASE IS NOT THE CRIMES OF A PROFESSIONAL CRIMINAL BUT THE STUPID ACTS OF A DRUNK WITH POOR JUDGEMENT.

I AM ASKING THE COURT TO LOOK AT MY CASE AND MY RECORD AND ALLOW ME TO GET THE HELP THAT I NEED. NOT ONLY FOR MYSELF BUT FOR MY WIFE AND FAMILY.

I KNOW IF I STAY OFF OF THE BOOZE
MY WIFE WILL COME BACK TO ME AND I CAN
AND WILL BE A BETTER PRODUCTIVE CITIZEN.
THANK YOU FOR YOUR TIME AND CONSIDERATION.

Sincerely

Bobby J. Fowler

Case no 952838

952838

10-7-95

HONORABLE Judge CHARLES LITTLEHALES
STATE OF OREGON
LINCOLN COUNTY COURTS
FILED.

WANTING TO GET MY CASE ENTERED TO TRIAL AS SOON
AS POSSIBLE.
95-06779 RRM CH 14

However I DO WANT AN ATTORNEY
THAT IS WILLING TO SEEK THE TRUE FACTS
IN MY CASE.

I AM NOT GUILTY OF THE KIDNAPPING
ATTEMPTED RAPE OR THE SEXUAL ABUSE. However
I DO NOT WISH TO TRY MY CASE IN THIS
LETTER. ALL I AM ASKING IS THAT YOU FIND
SOME ATTORNEY THAT IS WILLING TO WORK
FOR ME NOT THE D.A.

THAT MR. MANSION THAT YOU SENT
OVER HERE WOULD ONLY TALK TO ME IF
I WOULD PLEA GUILTY TO CHARGES THAT I
DID NOT DO.

PLEASE FIND ME AN ATTORNEY WILLING
TO ASCERTAIN ALL THE TRUE FACTS IN MY
CASE BEFORE WE GO TO COURT.

THANK YOU
SINCERELY
Barbby J. Fowler

BENTON COUNTY PUBLIC DEFENSE SERVICES

STEVEN BLACK, ATTORNEY AT LAW

226 SW 8TH STREET, CORVALLIS, OR 97333 • 541-754-7774
PRACTICE LIMITED TO CRIMINAL LAW IN STATE & FEDERAL COURT

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN

STATE OF OREGON
LINCOLN COUNTY COURTS

95 JAN - 8 PM 12:20

ENTERED *fl*

STATE OF OREGON

Plaintiff,

v.

Bobby Fowler

Defendant.

CASE# 952838

MEMORANDUM IN SUPPORT
OF DOWNWARD DEPARTURE
SENTENCE

Defendant, by and through his attorney of record, Steven Black presents the following information in support of a downward departure sentence.

Defendant was found guilty of Kidnapping in the First Degree, Attempted Rape in the First Degree, Sexual Abuse in the First Degree, Coercion, Assault IV (misd) and Menacing (misd), and is before the court for sentencing. Defendant is a 56 year old, Veteran and alcoholic with a significant prior record. He is at least a B on the Criminal History Scale with two prior person felonies within the last 10 years. However, he is asking the court for a downward dispositional departure to probation, with respect to all counts.

Defendant asks the court to consider the following mitigating factors in determining whether substantial and compelling reasons for a departure exist:

The defendant has been in custody since 28 June, 1995, nearly seven months, during which time he was a model prisoner.

An appropriate probationary term is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism. Defendant is 56 years old, who committed these crimes while under the influence of intoxicants. When deprived of intoxicants, as he has been in custody, he does not commit crimes.

An appropriate alcohol treatment program is available through the Veteran's program in White City, Oregon, and Mr. Fowler can be admitted to it immediately, having previously qualified for services.

PAGE 1 OF 2-MEMO, ST. V. FOWLER

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BENTON COUNTY PUBLIC DEFENSE SERVICES

STEVEN BLACK, ATTORNEY AT LAW, 226 SW 8TH STREET, CORVALLIS, OR 97333 • 754-7774
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Probation and treatment will serve community safety interests by promoting offender reformation by means of a local treatment program.

No firearm was used in the offense, nor was Mr. Fowler under correctional supervisor status at the time of the offense.

The degree of harm was significantly less than typical.

The criminal acts involved only one individual, and occurred over a brief period of time.

Mr. Fowler has begun some counselling while in custody.

Mr. Fowler has family with whom he can reside, and work available during the time he will be on probation.

The presumptive prison term carries several years probation. A dispositional departure allows the court to assess 5 years probation, and order his counselling as a sex offenders which is a long term process. He will be required to register as a convicted Sex Offender for the rest of his life.

Pursuant to OAR 253-05-009, the court can impose a probationary sentence as a departure from a prison sentence. The duration of probation is five years, as provided by OAR 253-05-008. OAR 253-05-011(3) provides for the imposition of up to 90 custody units as a condition of that probation, and the entire 90 days can be used as a jail term. OAR 253-05-013(3).

Defendant asks the court to sentence him to five (5) years probation and 90 days in jail with credit for time served, and to require that he enter into and complete, an alcohol treatment program as approved by the probation office. Defendant understands that, if he does not successfully complete the probationary period, he can be sentenced to several months in prison as set out in grid block number 10B, pursuant to OAR 253-10-002(2).

The Defendant also submits that the presentence report is wrong in assessing sentences in accordance with Measure 11, which is unconstitutional based on a proportionality argument. *State v. Conner*, *State v. Davis*, and *State v. Vanzant*, are cases recently decided by Judge L.L. Sawyer in the Medford Circuit Court. Defendant also argues that the State may not choose to apply Measure 11 to some matters and not to others, in order to

PAGE 2 OF 3-MEMO, ST. V. FOWLER



BENTON COUNTY PUBLIC DEFENSE SERVICES

STEVEN BLACK, ATTORNEY AT LAW, 226 SW 8TH STREET, CORVALLIS, OR 97333 & 754-7774
PRACTICE LIMITED TO CRIMINAL LAW IN STATE & FEDERAL COURT

secure a longer sentence. Defendant also asserts that several of the charges for which he was convicted, merge for purposes of sentencing. Specifically, Coersion merges with either Kidnapping, Rape or Sexual Abuse. The two misdemeanor charges merge with each other and with one or more of the felonies, and that Sexual Abuse and Attempted Rape Merge. The result being that Defendant should be be sentenced on two matters, Kidnapping in the First Degree, and Attempted Rape in the First Degree. The former is a charge covered by Measure 11, the latter is not. The Defendant also requests that the Court consider a Motion for Judgement Notwithstanding the Verdict with respect to the Kidnapping I charge, and find a verdict of guilty to the lesser included offense of Kidnapping II.

DATED this 8th day of January, 1996.

Respectfully Submitted,



Steven Black, OSB #78145
Attorney for Defendant

